

**LOUISVILLE METRO COUNCIL
REGULAR MEETING
MARCH 22, 2007
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: PRESIDENT PRO-TEM Pro-Tem Jim King called the **March 22, 2007** Regular Louisville Metro Council meeting to order at 6:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
DAVID TANDY: PRESENT
CHERI HAMILTON: PRESENT
GEORGE UNSELD: PRESENT@6:10pm
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
PRESIDENT PRO-TEM JIM KING: PRESENT
KEVIN KRAMER: PRESENT
PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JULIE RAQUE ADAMS: PRESENT@6:15pm
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT
ELLEN CALL: PRESENT@6:15pm

CLERK: There are 25 members present. A quorum is established.

MOMENT OF SILENCE:

PRESIDENT PRO-TEM KING: Next on the agenda, I would -- I would like to ask Councilwoman Madonna Flood if she would like to make any comments with respect to her -- her son, who was wounded in action in Iraq this past week, or his unit, and then afterwards, with her permission, I'd like to have a moment of silence for a member of the unit that was -- that was actually killed in action.

Councilwoman Flood, do you want to make any comments?

COUNCILWOMAN FLOOD: I would just like to say that I would like to thank the public for all their prayers, cards, and e-mails. It's been wonderful support from the community. And my son wanted me to relay the message that he would appreciate if everyone would pray for those men and women who are still over -- over in Iraq fighting the big fight and to please remember the families of those who have lost someone in this war.

If you will pray for those families.
Thank you.

PRESIDENT PRO-TEM KING: Thank you, Councilwoman Flood, and I know how difficult it was for you to say those words.

Your son is Brandon Sword, and thankfully he will be returning to us.

At this time, I would like to ask for a moment of silence for Sergeant First Class, Christopher Brevard, a member of his unit who gave his life for his community.

Thank you.

ADDRESSES TO COUNCIL:

Ramona Thompson: Pawnbrokers Association

Donnie Morris: Crime Prevention and Children

Michael O'Leary: Meals on Wheels –thank you

APPROVAL OF COUNCIL MINUTES:

PRESIDENT PRO-TEM KING: Next we have approval of council minutes for the regular meeting of MARCH 8, 2007. Are there any corrections or deletions?

COUNCILWOMAN HAMILTON: Move approval.

COUNCILMAN TANDY: Second.

PRESIDENT PRO-TEM KING: These minutes have been properly moved and second.

All those in favor, say aye.

ALL: Aye

Any opposed?

The ayes have it.

These minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT PRO-TEM KING: Next we have approval of the following committee minutes.

Regular: Appropriations, NDFs and CIFs-March 15, 2007

Regular: Budget –March 14, 2007

Regular: Committee on Committees - March 20, 2007

Regular: Contracts/Appointments-March 15, 2007

Regular: Government Administration, Rules, Ethics & Audit – March 12, 2007

Regular: Health & Human Services – March 14, 2007

Regular: Labor & Economic Development - March 15, 2006

SPECIAL: Minority Affairs- March 8, 2007

Regular: Parks, Libraries and Cultural Activities – March 12, 2007

Regular: Planning/Zoning, Land Design & Development – March 13, 2007

Regular: Public Safety- March 12, 2007

Regular: Transportation/Public Works – March 12, 2007

PRESIDENT PRO-TEM KING: Are there any corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Move approval.

COUNCILWOMAN GREEN: Second.

PRESIDENT PRO-TEM KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL: Aye

Any opposed?

The ayes have it.

These minutes are approved as written.

INTRODUCTION OF PAGES:

PRESIDENT PRO-TEM KING: CW Green, would you please introduce your pages.

COUNCILWOMAN GREEN:

Yes, thank you, Mr. President Pro Tem.

First I'd like to -- to say welcome to the Delta Sigma Theta sorority.

Now, to introduce my page, I would like for Ms. Imani Brown to stand.

Imani is a seven-year-old student at Wheatley Elementary School.

She is in the second grade.

Imani enjoys spending time with her sister, Nia, who is here with her today, and especially Friday family night.

She enjoys reading; learning new ideas, arts and crafts, music, and helping her mom study her schoolwork.

Imani is here with her mom, Connie Brown, and her dad, Timothy Bellerman, and as I said, her sister, Nia.

Imani is also here with her teacher, my good friend, Mrs. Brenda Green, who is a wonderful teacher at Wheatley Elementary.

Imani won the school wide spelling bee at Wheatley Elementary, beating out third, fourth, and fifth graders, so we are very proud of Imani and all she's accomplished.

So I introduce to you Imani Brown.

And since there was no other page, my son asked if he could come and be a page.

I'd like to introduce Joshua Green. Josh is an eighth grader at Stuart Middle School.

Josh is a sports enthusiast, excelling in almost every sport there is.

He is a championship football player for the Rams Little League football team.

Josh is an excellent student at Stuart Middle. He is the 11th child of James and Judy Green, as I mentioned. And he also has been chosen to attend Central High School next year. Thank you so much, Josh, and welcome.

INTRODUCTION OF GUESTS:

PRESIDENT PRO-TEM KING: Next we have guests

Councilman Tandy and Councilwoman Hamilton, I know, hosted some guests today, and I believe Councilwoman Green has already alluded to some of them, but Councilman Tandy, would you seek recognition to introduce your guests?

COUNCILMAN TANDY: Please.

PRESIDENT PRO-TEM KING Thank you.

Madam Clerk, while they're coming down, would you let the record reflect that Councilwoman Raque Adams, Councilwoman Call, and Councilman Unseld are all present?

CLERK: So noted.

COUNCILMAN TANDY: Mr. President Pro-Tem, colleagues of the council, to -- I'm paraphrasing here. It was a quote, actually, from Dr. Martin Luther King Jr., who said that you measure -- you find the true measure of a man or a person not necessarily where they stand in times of comfort but rather, at times of conflict and challenge.

Likewise, when you're looking at a city, in my opinion, I think we measure a city not so much by the amenities that we have, the schools that we have in place or the skyscrapers or the jobs or things of that nature, but you measure it based upon the quality of people that you have.

You measure it by based upon the number of people who are willing to step forward and be citizens of this community rather than just being residents of the community.

And today we are certainly fortunate to have some true citizens of Louisville, Kentucky, here with us today.

The lovely ladies of Delta Sigma Theta Sorority, Incorporated, which I'm proud to say has their sorority house in the fourth district, are here with us today.

Now, I know what a lot of folks are saying, they're thinking sorority house, and they're thinking back in the days when they were in college and you were doing this, that, and the other. I don't know what you-all did --

myself, I was just studying the books --

but these ladies who are part of Delta Sigma Theta, including one of our very own, Councilwoman Cheri Bryant Hamilton, is a community service organization that makes a lifelong commitment that goes beyond their years in college to bettering the community as a whole. So we have been proud to host them here at Metro Hall today to -- as they engage in their Delta Day at City Hall.

So we just wanted to recognize them and honor them for the service that they're providing to this community as well as to, in fact, the rest of this nation and this whole world. So with that, I'm going to pause and allow Councilwoman Hamilton if you would like to say a few words.

COUNCILWOMAN BRYANT HAMILTON: Good evening.

I would like to welcome you to City Hall.

I joined Delta Sigma Theta when I was in college my sophomore year, and because of the political action, the social action, and the ideals that this sorority espouses. So I'm very pleased to have them here today and welcome their continued involvement in our community.

Thank you.

COUNCILMAN TANDY: We have with them their president, Nancy Matthews, and Ms. Matthews, President Matthews, on behalf of Metro Council, we have this proclamation here for you, and it reads

To all whom these letter shall come greetings, know ye that the Louisville Metro Council hereby recognizes and honors Delta Sigma Theta Sorority, Incorporated, Louisville alumnae chapter and declares it as Delta day at city hall.

We hereby confer this honor with all the rights, responsibilities attaining and testimony thereof. We have called these letters to be made and seal of Metro Louisville to be hereunto affixed, the day of March 2007, by Councilman David W. Tandy and Councilwoman Cheri Bryant Hamilton.

COUNCILMAN TANDY: President Matthews, continue the good work and if you would have a few words for us, please.

MS NANCY MATTHEWS: Good evening.

To the chair, distinguished women and men of this great council, we'd just like to thank you for allowing our organization, Delta Sigma Theta Sorority, Incorporated, Louisville Alumnae Chapter, the opportunity for us to come here and see how you work.

We have been thinking about this for so long, and finally we -- we got this opportunity.

And a special thank you is extended to Councilwoman David Tandy, Kenya McGruder, Councilwoman Cheri Bryant Hamilton, from the districts of 1 2, 3, 5, 10 and 11 councilmen, and I really would like to thank you, as well as my organization.

Just to briefly give you some of the things that we stand for at our inception, which was in 1913 at Howard University in Washington, D.C., 22 vivacious, lovely, wonderful women decided that they wanted to do something about this country and their government, and they decided that they would form this wonderful organization.

These 22 women are still in our hearts and our minds daily as we stand on their shoulders. There are only a few of us here, but we represent over 120 of us in the local chapter here, right over on -- as Councilman Tandy just told you that we are right here in his district. Also, I would like to say that we represent 240,000 Deltas throughout the United States and foreign countries. We want you to know that we are here for you.

We want you to know that I have been told several times today that you're here for us, and that makes us feel really good that you invited us here. And we did learn something today, although we think we're pretty smart women. You were able to teach us a few things today, and thank you, again, for allowing us to come.

And please feel free to call on us because we would like to assist you in your many endeavors. Thank you again.

PRESIDENT PRO-TEM KING: Will you recognize your guests, please?

COUNCILMAN HAWKINS: Thank you, Mr. President.

I want to talk to you a little bit about internet safety and public service.

Internet safety is -- is a tremendous problem for all of us.

Any of us with children know that -- children or grandchildren know what our children are exposed to on the internet every day, and it can be quite graphic, quite serious.

Today in the news, senior U.S. district judge Lowell Reid struck down a 1988 law that makes it a crime for commercial web site operators to let children access harmful materials on the internet. In other words, it's become more easier for children to -- to access these harmful materials. Now, the judge said that parents can protect their children through software filters and other less restrictive means that do not limit the rights of free speech.

American Civil Liberties Union challenged and overturned the law -- fought to overturn the law, saying it was unconstitutionally vague. Our children, I'm afraid, are even more susceptible, more exposed than ever before. Today I'd like to recognize five individuals who came together to build an on-line safety seminar program.

Their seminar identifies the threats and dangers of on-line predators.

What makes the seminar that they put on so unique is that they have a comprehensive approach to it. They look at it from a law enforcement standpoint; they look at it from a child psychology standpoint, and from an internet technology standpoint.

And it all works, meshes together.

I don't know -- my generation, when we were introduced to computers, we looked at the computer as a tool, as an asset that -- that helped us through our business and be more productive and to get back to our family sooner.

Our children today look at the internet and the computer more like a toy.

They -- they allow it to define their social mores.

They allow it to tell them how to dress and what to think and to decide what's cool and what's hip and what's not. And our children are extremely vulnerable to this -- to this internet threat.

The five individuals that I'd like to recognize, three of which are from Innovative Productivity, a company that has allowed them the time to do this -- and we need to mention Innovative Productivity, Inc., because they've been very selfless in allowing Donna Lampe, Carolyn Reed, Fadi Younis, to work from a technology standpoint on helping to prepare parents and to prepare adults to protect their children in the long run.

Dr. Tony Sheppard is a child psychologist who works with this group. He cannot be here with us tonight. His wife's in labor and they are expecting a child any moment now.

And then special agent David Beyer with the FBI is doing a training seminar and could not be here with us.

I would like to encourage any of you-all to -- to talk to these individuals -- I'm going to let them speak here for a second -- about doing a seminar like this.

Councilwoman Flood independently has set up a seminar for Southern High School right now. She's doing that in coordination with Councilwoman Welch and Councilman Peden at Southern High School, and I'm going to let Donna give you-all some of the dates and times.

But sometimes we think that these seminars are available and they're here and they'll always be here, and we can always get this later on.

We've got more important things to do.

There's a family down in Bullitt County right now that has lost a daughter, you know, over some of this internet terrorism, and I can only imagine that they thought, you know, if they'd taken the time to go to this seminar and to look into this and to educate themselves better, maybe they'd be better off right now. Some of the things are shocking. This is an adult-only seminar, but some of the things they talk about are terribly shocking.

There was a -- a soldier out of Fort Knox who actually went and met FBI agents with his girlfriend's daughter, willing to exchange her because he thought that this FBI agent was going to bring another child, and it's just -- it's horrible what goes on on the internet, and we have to be aware and we have to be prepared, and these people have put together -- selflessly put together this seminar, and they deserve an award here.

I am not going to read all the awards, but Donna Lampe, Carolyn Reed, and Fadi Younis, and Donna, would you like to speak?

DONNA LAMPE: I would love to.

Thank you.

I'd like to thank everybody for this opportunity, and we really have enjoyed doing this seminar.

The way we look at it is if we can just save one child, then no matter how much effort we put into it, it will be worth it. We currently have one scheduled for April 24th from 6:00 to 8:00 p.m. at Southern High School.

And thus far, I would like to say that we've done this for the parents, to try to tell them how -- what they can do and to empower them to monitor their children while they're on the internet. Now, one of the things that I'd like to tell you about is that we're look to go do one for the children.

Because the children, although they're 15 going on 25, they're still very innocent, and they sometimes don't realize that they -- they can be anybody they want to be on the internet, and so can everybody else. So we would like to continue to do this.

We thank Councilman Hawkins for his support, thank Councilman Flood and the other councilmen who are involved for the upcoming seminar in April, and we are very grateful. Thank you very much.

COUNCILMAN HAWKINS: Do you have a contact number?

DONNA LAMPE: If anybody is interested in doing this seminar, they can call my direct line, 638-4410. Again, thank you very much.

Thank you.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT PRO-TEM KING: Madam Clerk, do we have any communications from the mayor?

CLERK: Yes sir.

March 15, 2007

Mr. Rick Blackwell, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Blackwell:

In accordance with the Criminal Justice Ordinance, I am appointing the following to the **Criminal Justice Commission**.

<u>Name</u>	<u>Term</u>
Roger Henderson	Reappointment December 30, 2008
Richard Lewis	Reappointment December 31, 2008

Council approval of these appointments is not required.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming
e-copy to MCC

CLERK: Read in full.

PRESIDENT PRO-TEM KING: These appointments are referred to the Contracts and Appointments Committee for review.

CONSENT CALENDAR:

PRESIDENT PRO-TEM KING: Our next order of business is the consent calendar. Consent calendar consists of items 20 through 43. Are there any deletions? Councilman Tandy?

COUNCILMAN TANDY: Yes, Mr. President.

I'd ask that item 29 and 30 be moved to old business.

PRESIDENT PRO-TEM KING: Without objection, items 29 and 30 are moved to old business.

COUNCILMAN HEINER: Mr. Chair.

PRESIDENT PRO-TEM KING: Who seeks recognition?

COUNCILMAN HEINER: Councilman Heiner.

PRESIDENT PRO-TEM KING: There you are.

Okay.

COUNCILMAN HEINER: Mr. Chair, I'd also ask that item 27 be moved to old business.

PRESIDENT PRO-TEM KING: Very good.

Without objection, item 27 will be moved to old business.

Madam Clerk, a second reading of the remaining items.

Consent Calendar:

20. O-48-03-07 (S) AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 132.02, 132.03, 132.06, 132.07, AND 132.98 WITH AMENDMENTS TO SECTIONS 132.03(B), 132.06, AND 132.07 TO PROVIDE NEW PENALTIES FOR VIOLATION THEREOF, AND REPEALING SECTIONS 132.01, 132.04, AND 132.05 REGARDING OFFENSES AGAINST PUBLIC PEACE.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

Primary Sponsor:

Kevin Kramer

Kelly Downard

Rick Blackwell

Additional Sponsor:

Barbara Shanklin

James Peden

Judy Green

Mary C. Woolridge

21. O-50-03-07 (S) AN ORDINANCE RE-ENACTING SECTIONS 130.01, 130.02 AS AMENDED, 130.98, AND 130.99(A) OF LOUISVILLE METRO CODE OF ORDINANCES (LMCO), AND REPEALING SECTIONS 130.30, 130.31, 130.32, 130.40, 130.41, 130.42, 130.90, 130.91, 130.92, AND 130.99(B) REGARDING GENERAL PROVISIONS.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

Primary Sponsor:

Kevin Kramer

Kelly Downard

Rick Blackwell

Additional Sponsor:

Barbara Shanklin

James Peden

Judy Green

Mary C. Woolridge

22. O-55-03-07 (S) AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 137.01 – 137.99 REGARDING JUVENILE OFFENSES.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

Primary Sponsor:

Kevin Kramer

Kelly Downard

Rick Blackwell

Additional Sponsor:

Barbara Shanklin

James Peden

Judy Green

Mary C. Woolridge

23. O-49-03-07 (S) AN ORDINANCE REPEALING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 131.01, 131.02, AND 131.99 AND RE-ENACTING SECTION 131.98 REGARDING OFFENSES AGAINST PROPERTY.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

Primary Sponsor:

Kevin Kramer
Kelly Downard
Rick Blackwell
Additional Sponsor:
Barbara Shanklin
James Peden
Judy Green
Mary C. Woolridge

24. O-42-03-07 AN ORDINANCE AMENDING ORDINANCE NO. 98, SERIES 2005, RELATING TO THE FISCAL YEAR 2005-06 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING FEDERAL FUNDS FOR THE URBAN AREAS SECURITY INITIATIVE (UASI) PROJECT.

Status: On Council Agenda - Consent Calendar
Committee: Public Safety
Primary Sponsor: Kevin Kramer
Additional Sponsor:
Barbara Shanklin
James Peden
Judy Green
Mary C. Woolridge

25. O-36-03-07 (S) AN ORDINANCE REENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTION 42.98 RELATING TO "SEVERABILITY," IN ITS ENTIRETY.

Status: On Council Agenda - Consent Calendar
Committee: Government Administration, Rules, Ethics & Audit
Primary Sponsor: Kelly Downard

26. O-39-03-07 (S) AN ORDINANCE REENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTION 113.98 RELATING TO "SEVERABILITY," IN ITS ENTIRETY.

Status: On Council Agenda - Consent Calendar
Committee: Government Administration, Rules, Ethics & Audit
Primary Sponsor:
Rick Blackwell
Kelly Downard

27. O-24-02-07 AN ORDINANCE AMENDING CHAPTER 6 OF THE LAND DEVELOPMENT CODE TO REFLECT THE REQUIREMENTS IMPOSED BY THE SYSTEM DEVELOPMENT CHARGE ORDINANCE.

Status: On Council Agenda - Consent Calendar
Committee: Transportation/Public Works
Primary Sponsor: Robin Engel

31. R-43-03-07 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY ENVIRONMENTAL AND PUBLIC PROTECTION CABINET AND THE METROPOLITAN SEWER DISTRICT CONCERNING THE PERFORMANCE BY THE METRO GOVERNMENT OF PUBLIC HEALTH SCREENINGS FOR RESIDENTS OF NEIGHBORHOODS ADJACENT TO THE INDUSTRIALIZED AREAS OF THE WESTERN PORTION OF THE LOUISVILLE/JEFFERSON COUNTY METROPOLITAN AREA.

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Services
Primary Sponsor:
Judy Green
Mary C. Woolridge

32. O-54-03-07 (S) AN ORDINANCE REPEALING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 136.01 – 136.99 REGARDING NOXIOUS SUBSTANCES.

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Services
Primary Sponsor:
Kevin Kramer
Kelly Downard
Rick Blackwell

33. O-40-03-07 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (JULY 1, 2005 THROUGH JUNE 30, 2010) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE INDIANA/KENTUCKY REGIONAL COUNCIL OF CARPENTERS FOR AND ON BEHALF OF THE INSPECTIONS, PERMITS AND LICENSES SERVICE SUPPORT AND CODE ENFORCEMENT UNITS.

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

34. O-56-03-07 AN ORDINANCE AMENDING ORDINANCE NO. 111, SERIES 2006, RELATING TO THE FISCAL YEAR 2006-07 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND ORDINANCE NO. 112, SERIES 2006 RELATING TO THE FISCAL YEAR 2006-07 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$25,000 IN FUNDS FROM THE CAPITAL CUMULATIVE RESERVE FUND FOR CAPITAL INFRASTRUCTURE FUND PROJECTS RELATED TO METRO COUNCIL DISTRICT 1 TO THE GENERAL FUND NEIGHBORHOOD DEVELOPMENT FUND FOR METRO COUNCIL DISTRICT 1.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Judy Green

35. O-41-03-07 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND BUDGET TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION TO CONSTRUCT A WALKING TRACT AT WATSON LANE ELEMENTARY SCHOOL FOR STUDENTS AND THE COMMUNITY .

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Robert Henderson

36. O-37-03-07 AN ORDINANCE APPROPRIATING IN TOTAL \$7,000 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$500 FROM DISTRICTS 3, 4, 8, AND 17, \$1,000 FROM DISTRICTS 16 AND 23, AND \$3,000 FROM DISTRICT 10, THROUGH THE DEPARTMENT OF FINANCE AND BUDGET TO VISUALLY IMPAIRED PRE-SCHOOL SERVICES OF GREATER LOUISVILLE, INC. FOR OPERATING EXPENSES.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
David Tandy
Glen Stuckel
James Peden
Jim King
Kelly Downard
Mary C. Woolridge
Tom Owen

37. O-57-03-07 AN ORDINANCE APPROPRIATING \$7,000.00 FROM THE DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND BUDGET TO P.E.A.C.E. CENTER, INC. FOR KIDS CAFE' EXPENSES, A CAMPING TRIP, AND CULTURAL ACADEMY .

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin

38. AP031507DF APPOINTMENT OF DAVID FLEISCHAKER TO THE PLANNING COMMISSION. TERM EXPIRES OCTOBER 1, 2007

Status: On Council Agenda - Consent Calendar
Committee: Contracts/Appointments

39. AP031507KH APPOINTMENT OF KEVIN HORNBACK TO THE DIXIE SUBURBAN FIRE DISTRICT BOARD. TERM EXPIRES JUNE 30, 2009.

Status: On Council Agenda - Consent Calendar
Committee: Contracts/Appointments

40. REAP031507DF REAPPOINTMENT OF DENNIS "MICHAEL" FLEITZ TO THE LOUISVILLE/JEFFERSON COUNTY BRIDGE COMMISSION. TERM EXPIRES

JANUARY 1, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Contracts/Appointments

41. R-42-03-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT - (MANAGEMENT PARTNERS, INCORPORATED - \$22,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts/Appointments
Primary Sponsor: David Tandy

42. R-46-03-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL CONTRACT - (SECURANCE, LLC - \$16,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts/Appointments
Primary Sponsor: Madonna Flood

43. R-45-03-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT - (VOORHIS ROBERTSON JUSTICE SERVICES, INC. - \$36,500.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts/Appointments
Primary Sponsor: David Tandy

Motion to Approve made by Mary C. Woolridge and seconded by Cheri Bryant Hamilton.

PRESIDENT PRO-TEM KING: The Consent Calendar has been properly moved and seconded.
The consent calendar calls for a roll call vote.
Madam Clerk, please open the voting.

VOTING RESULT: Consent Calendar

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT PRO-TEM KING: YES
KEVIN KRAMER: PRESENT
PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES

KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 25 yes votes and one not voting, CM Blackwell.

PRESIDENT PRO-TEM KING: Thank you and the consent calendar passes.

OLD BUSINESS:

PRESIDENT PRO-TEM KING: The next order of business is Old Business. According to my records, Madam Clerk, we have items 27, 29, 30, and 44 through 48.
Is that correct?

CLERK: That is correct.

PRESIDENT PRO-TEM KING: Madam Clerk a reading of Item 27.

27. O-51-03-07 (S) AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 133.10, 133.11, 133.12, 133.98, AND 133.99(D) AND REPEALING SECTIONS 133.01, 133.02, 133.03, 133.20, 133.21, 133.99(A), 133.99(B), 133.99(C), 133.99(E), AND 133.99(F) REGARDING OFFENSES AGAINST MORALS.

Status: On Council Agenda - Consent Calendar
Committee: Government Administration, Rules, Ethics & Audit
Primary Sponsor:
Kevin Kramer
Kelly Downard
Rick Blackwell

Motion to approve made by James Peden and seconded by Robin Engel.

PRESIDENT PRO-TEM KING: This item has been properly moved and seconded and is now before. Is there any discussion? Councilman Heiner.

COUNCILMAN HEINER: Mr. Chair, thank you.

I asked that this be moved to old business just because I have questions of the committee on the reasons that this was unanimously approved and sent here.

That's obviously a strong recommendation, but there are some sections in particular, especially section 133.01, .02, .03, and .20, that if I could get some explanation.

We are striking sections from our code on indecent exposure, vehicles used for prostitution, houses of prostitution, and off-track betting, and wondering, I guess, if there are other places in our code that cover these or -- or for some reason that -- I'm just interested why the committee agreed unanimously to strike the legislation on these items.

PRESIDENT PRO-TEM KING: I believe this came out of Government Administration, and Councilman Downard has indicated a willingness to speak to this.

COUNCILWOMAN DOWNARD: Yes, sir, and this came up in our committee. We were informed by the County Attorney's office that those sections of this ordinance were predated by the state statutes, which now supersede them, so all of these offenses are now covered by state statutes that provide for the offenses and the penalties, and therefore, they were a duplication at our level. Also, the police department, when they cite someone for these offenses, cites them citing KRS as opposed to citing Louisville Metro code, so they are all still covered in state statute, and they are enforced that had way.

PRESIDENT PRO-TEM KING: Is there any further discussion?
Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. Chair, for allowing me time to understand the reason for striking these.

PRESIDENT PRO-TEM KING: Certainly.
Is there anyone else who wishes to speak on this issue?
Hearing none, this is an ordinance calling for a roll call vote.
Madam Clerk, open the voting.

VOTING RESULT: ITEM 27

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT PRO-TEM KING: YES
KEVIN KRAMER: PRESENT
PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 25 yes votes and one not voting, CM Blackwell.

PRESIDENT PRO-TEM KING: **The ordinance passes.**
Madam Clerk, a reading of Item 29.

28. O-59-03-07 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$31,000,000 PRINCIPAL AMOUNT OF "LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, ENVIRONMENTAL FACILITIES REVENUE REFUNDING BONDS, 2007 SERIES A (LOUISVILLE GAS AND ELECTRIC COMPANY PROJECT)";

AUTHORIZING THE LOAN OF THE PROCEEDS OF SAID BONDS TO LOUISVILLE GAS AND ELECTRIC COMPANY, A KENTUCKY CORPORATION, FOR THE REDEMPTION, PAYMENT AND DISCHARGE OF CERTAIN OUTSTANDING BONDS OF THE COUNTY OF JEFFERSON, KENTUCKY HERETOFORE ISSUED UNDER DATE OF SEPTEMBER 17, 1992; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, AND LOUISVILLE GAS AND ELECTRIC COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST SECURING SAID BONDS; CONFIRMING AND APPROVING THE SALE OF SAID BONDS TO THE PURCHASERS THEREOF; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT AND AN INDUCEMENT LETTER; APPROVING AN OFFICIAL STATEMENT IN RESPECT OF SAID BONDS AND TAKING OTHER RELATED ACTIONS.

Status: On Council Agenda - Consent Calendar
Committee: Budget
Primary Sponsor: Cheri Bryant Hamilton

CLERK: Mr. President, in moving this to another section it disappeared from the screen.

I don't have it on my screen, so I have to do an oral vote.

PRESIDENT PRO-TEM KING: Oral vote, roll call.

Let me get it before us first.

It's been moved and seconded, and that was Councilwoman Woolridge and Councilman

I saw Johnson raise his hand, but it was -- okay.

We'll give it to Councilman Johnson, then.

I assume since it's going to be an oral that you're wanting to record that.

CLERK: That's correct.

PRESIDENT PRO-TEM KING: Okay.

The item has been properly moved and seconded, is now before us.

Is there any discussion? Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President Pro-Tem.

The reason for item number 29 and 30 being brought over to old business is simply to allow one of our colleagues to abstain from the vote because I believe his law firm is involved with these two ordinances, and to make it clear that there's no impropriety, we will allow him to abstain.

PRESIDENT PRO TEM KING: Councilman Tandy, do you seek recognition?

COUNCILMAN TANDY: Thank you, Mr. President Pro Tem.

Yes, I asked that these two items be moved to old business due to our -- my law firm's professional representation in these particular matters.

PRESIDENT PRO-TEM KING: Very good. Is there any further discussion?

Hearing none, this is an ordinance calling for a roll call vote.

Madam Clerk, please open the voting. Excuse me.

You are going to do it orally.

CLERK: Yes, I am.

VOTING RESULT: ITEM 29

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: ABSTAIN

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT PRO-TEM KING: YES
KEVIN KRAMER: PRESENT
PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 24 yes votes, one abstention from CM Tandy and one not voting, CM Blackwell.

PRESIDENT PRO-TEM KING: **The ordinance passes with one abstention.**
Madam Clerk, a reading of Item 30.

30.O-60-03-07 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$35,200,000 PRINCIPAL AMOUNT OF "LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, ENVIRONMENTAL FACILITIES REVENUE REFUNDING BONDS, 2007 SERIES B (LOUISVILLE GAS AND ELECTRIC COMPANY PROJECT)"; AUTHORIZING THE LOAN OF THE PROCEEDS OF SAID BONDS TO LOUISVILLE GAS AND ELECTRIC COMPANY, A KENTUCKY CORPORATION, FOR THE REDEMPTION, PAYMENT AND DISCHARGE OF CERTAIN OUTSTANDING BONDS OF THE COUNTY OF JEFFERSON, KENTUCKY HERETOFORE ISSUED UNDER DATE OF AUGUST 31, 1993; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, KENTUCKY, AND LOUISVILLE GAS AND ELECTRIC COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST SECURING SAID BONDS; CONFIRMING AND APPROVING THE SALE OF SAID BONDS TO THE PURCHASERS THEREOF; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT AND AN INDUCEMENT LETTER; APPROVING AN OFFICIAL STATEMENT IN RESPECT OF SAID BONDS AND TAKING OTHER RELATED ACTIONS.

Status: On Council Agenda - Consent Calendar
Committee: Budget
Primary Sponsor: Cheri Bryant Hamilton

PRESIDENT PRO TEM KING: May I have a motion and second for approval?
Motion to approve made by Kevin Kramer and seconded by Barbara Shanklin.

PRESIDENT PRO TEM KING: Thank you.
Madam Clerk, are we back on the computer now with this one?

CLERK: Yes, we are, sir.

PRESIDENT PRO TEM KING: Okay.
And you picked up the motion and the second on your --
CLERK: We've got it. Thank you.

PRESIDENT PRO TEM KING: Okay.
Thank you. This item has been properly moved and seconded and is before you.
Is there any discussion? Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you.
Actually, it follows the procedure of the previous item.
Both of these items do come out of committee with a unanimous decision.

PRESIDENT PRO TEM KING: Councilman Tandy, do you need to elaborate or the same holds true on the last comment?

COUNCILMAN TANDY: The same holds true.

PRESIDENT PRO TEM KING: any further discussion?
Hearing none, this motion calls for a roll call vote.
Madam Clerk, please open the voting.

VOTING RESULT: ITEM 30

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: ABSTAIN
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT PRO-TEM KING: YES
KEVIN KRAMER: PRESENT
PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 24 yes votes, one abstention from CM Tandy and one not voting, CM Blackwell.

PRESIDENT PRO-TEM KING: **The ordinance passes with one abstention.**
Does that bring us to item 44, Madam Clerk?

CLERK: Yes, it does, sir.

44. O-31-02-07 (S) AN ORDINANCE RE-ENACTING CHAPTER 38.01, 38.02 38.09, AND 38.98 OF THE LOUISVILLE METRO CODE OF ORDINANCES. (AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Budget
Primary Sponsor: Kevin Kramer

PRESIDENT PRO TEM KING: We have a motion and second of this for approval?

Motion to approve made by Mary C. Woolridge and seconded by James Peden

PRESIDENT PRO TEM KING: The item has been properly moved and seconded, is before us. Is there any discussion? Councilwoman Flood.

COUNCILWOMAN FLOOD: Yes.

Thank you, Mr. President Pro Tem.

We would actually like to move this piece of legislation back to the Budget Committee to allow our Property Evaluation Administrator, Mr. Tony Lindauer, to address the committee about some concerns he has and for more discussion, please.

COUNCILMAN DOWNARD: Second.

PRESIDENT PRO TEM KING: Very good.

Without objection, this item will be returned to the Budget Committee for further review.

COUNCILWOMAN FLOOD: Thank you.

PRESIDENT PRO TEM KING: Madam Clerk, a reading of item 45.

45. O-52-03-07 (S) AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 134.03, 134.04, 134.98, 134.99(A) AND (C) WITH AMENDMENT REGARDING OFFENSES AGAINST PERSONS AND REPEALING SECTIONS 134.01, 134.02, AND 134.99(B). (AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Government Administration, Rules, Ethics & Audit
Primary Sponsor:
Kevin Kramer
Kelly Downard
Rick Blackwell

PRESIDENT PRO TEM KING: Thank you.

Motion to approve made by Madonna Flood and seconded by Kelly Downard.

This item's been properly moved and seconded.

Is there any discussion?

Councilman Downard, I believe this came out of your committee.

COUNCILWOMAN DOWNARD: Thank you.

This was one of the laws that we were going through in terms of our review of all of the Code of Ordinances.

The changes that were made were we are repealing section 134.01 and 02.

They are covered by state law and no longer needed at the local level.

We're deleting section 134.99(B), which refers to the section we just deleted, 134.02, that is no longer needed.

134.99(A), we eliminated and amended it because it refers to 134.01, which, again, has been deleted and no longer needed.

We amended 134.99(C) to delete the reference to section 134.03, which was deleted and no longer needed. And we added a penalty for section 134.04, which refers to the use of laser devices to be pointed at people's eyes, people's bodies, people's cars, or into crowds, and there is a penalty for that now.

There didn't used to be.

It is, I believe, up to \$250, and that was the change.

Those were the amendments, so I move those amendments.

PRESIDENT PRO TEM KING: So you move those amendments.

Thank you.

COUNCILMAN HAWKINS: Second

PRESIDENT PRO TEM KING: Okay.

I have a motion and a second on the amendments.

Is there any further discussion?

Hearing none, this is an amendment calling for a voice vote.

All those in favor, please say aye.

ALL: AYE

All those opposed.

Ayes have it.

The amendment is approved.

We now have the amended version before us.

Is there any further discussion?

Hearing none, this is an ordinance calling for a roll call vote.

Madam Clerk, open the voting.

VOTING RESULT: ITEM 44

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT PRO-TEM KING: YES

KEVIN KRAMER: PRESENT

PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 25 yes votes, and one not voting, CM Blackwell.

PRESIDENT PRO TEM KING: **The ordinance as amended passes.**

Madam Clerk, a reading of item 46.

46. O-25-02-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R-5A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 1400 ENGLISH STATION ROAD AND 12201 AVOCA ROAD, CONTAINING 25.16 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-18-06).(AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to approve made by Mary C. Woolridge and seconded by Julie Raque Adams.

PRESIDENT PRO TEM KING: Thank you.

This item's been properly moved and seconded.

Is there any discussion?

Councilman Owen, this came out of Planning and Zoning, I believe.

COUNCILMAN OWEN: It did, indeed.

This is a proposal, an application for the Planning Commission referred to the Metro Council for 108 condominium units on about a 25-acre tract. This development would have its major entrance on Avoca Road. There would be a second entrance onto English Station Road.

There is no access by automobile to Heather Road, which is in the Berrytown neighborhood, but there is a walking path which connects to Berrytown Park, which has two very fundamental assets.

Number one, it will get you to Heather Road, which has a YMCA, and number two; it will get you to a Number 31 Middletown Bus, which is a wonderful, wonderful access.

We added two binding elements after tabling this item for a cycle of the committee.

Mr. Heiner proposed two binding elements, number 16 and 17.

The one requires the developer to grant an easement on-site for MSD sewer and drainage structures, and then the second one asks that the developer coordinate with the Transportation Cabinet and Public Works to ensure that the location of a forced main -- a forced main sewer line not interfere with future plans for widening North English Station Road.

So this came out of the committee with a unanimous -- unanimous feeling that it should be approved. It's in Mr. Heiner's district, and I'm sure he'd like to comment.

PRESIDENT PRO TEM KING: Mr. Heiner.

COUNCILMAN HEINER: This is -- this is a project that received a lot of attention by residents on all sides of this property. It borders both the Berrytown area and the Anchorage area.

It received multiple reviews by the Planning Commission, both on the layout of the streets, the layout of the buildings, the look of the buildings, and at the end it seemed to have satisfied, I think, all the parties. So this is a case where a planning and design process that I think's gotten more intense since Metro Government really produced a better product, certainly from the neighbors' standpoint, and because of that, I'm supportive of both these amendments and the project as a whole.

PRESIDENT PRO TEM KING: Councilman Owen, would you like to move your amendment?

COUNCILMAN OWEN: Yes, I do move that the two additional binding elements be an amendment to this -- to this ordinance.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT PRO TEM KING: All right.

I have a motion and a second.

Is there any further discussion?

Hearing none, this is an amendment calling for a voice vote.

All those in favor, say aye.

ALL: AYE

Opposed.

Ayes have it.

The amendment's approved.

We now have the amended version before us.

Is there any further discussion?

Hearing none, this is an ordinance calling for a roll call vote.

Madam Clerk, please open the voting.

VOTING RESULT: ITEM 46

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT PRO-TEM KING: YES

KEVIN KRAMER: PRESENT

PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: ABSENT NOT VOTING

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 24 yes votes and two not voting, Councilman Blackwell and Councilwoman Flood.

PRESIDENT PRO TEM KING: **The ordinance as amended passes.**

Madam Clerk, are we at item 47 now?

CLERK: Yes sir.

PRESIDENT PRO TEM KING: Please give me a reading of item 47.

47. O-43-03-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9202R LYNEVE DRIVE, CONTAINING 6.24 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-22-06).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to approve made by Doug Hawkins and seconded by James Peden.

PRESIDENT PRO TEM KING: Thank you.
Item's now been properly moved and seconded.
Is there any discussion?
Councilman Owen.

COUNCILMAN OWEN: Yes.

Before we discuss it, I need to explain that there has to be a floor amendment.
The floor amendment involves, really, two aspects, and I'll ask the actual language be read into the record by the -- by the clerk. But number one is that there were items that, in one case, were a part of the record that was referred to our committee, number -- binding element number 15 was inadvertently included. It needs to be deleted, according to the County Attorney. It had no business there. It refers to single-family residences and not to commercial developments. And then binding elements number 16 and 17 were actually agreed to by the developer, were intended to be part of the record that was referred to our committee. They were not included in that record, and so we need to add those.
And Madam Clerk, if she could read the language that we need to add as a floor amendment.

CLERK: As Councilman Owen said, section 15, the binding element section 15, has been deleted in its entirety.

The new numbered items will be item 17, a binding element that reads: *The applicant shall submit a tree inventory of all four-inch calipers and above trees between the parking lot and the property line. Cottonwoods, box elders, dead/dying trees do not have to be shown on the tree inventory. The applicant shall work with the staff landscape architect in determining the location of the berm along Stonestreet Road. If possible, the berm could meander along the site's frontage to ensure preservation of significant trees. The final location of the berm will be shown on the approved tree preservation plan and landscape plan. The landscaping shall be irrigated. In general, all vines, underbrush, and non-native trees may be removed. Binding element 18, if necessary, to construct an eight-foot-high retaining wall at the rear of the site, the applicant shall apply for and receive a variance for the retaining wall before building permits for the plan are issued.*
Read in full.

PRESIDENT PRO TEM KING: Thank you.
Councilman Owen, are you moving that amendment?
COUNCILMAN OWEN: I am moving the amendment.
COUNCILWOMAN GREEN: Second.

PRESIDENT PRO TEM KING: I have a motion and a second.
The floor amendment has been properly moved and seconded.
Is there any further discussion?
Is this -- Councilman Hawkins, is this in your district?

COUNCILMAN HAWKINS: Yes, sir.
Yes, sir, Mr. President.

PRESIDENT PRO TEM KING: Would you like to speak to this?

COUNCILMAN HAWKINS: Yes, sir.

The amendment makes a great deal of sense.

I appreciate Councilman Owen keeping up with that for us.

This is a development that's going to have some really extensive landscaping along Stonestreet Road. It really looks very good, and I would ask that you approve this amended language, please.

PRESIDENT PRO TEM KING: Very good.

PRESIDENT PRO TEM KING: We will vote on the amendment.

The amendment, right.

PRESIDENT PRO TEM KING: Unless there's any further discussion.

Well, this is an amendment calling for a voice vote, so all those in favor, say aye.

ALL: AYE

All those opposed.

The ayes have it.

The amendment is approved.

We now have the amended version before us, and I am open to any further discussion at this point.

COUNCILMAN OWEN: I do have a comment.

PRESIDENT PRO TEM KING: Councilman Owen.

COUNCILMAN OWEN: Colleagues, this is really an interesting track.

It sits between along Stonestreet Road, which I think of Stonestreet Extension, which runs from old Third Street to Dixie Highway.

Basically, this is a long rectangular tract just east of the Paducah and Louisville railroad track, and it backs up, abuts, the Timothy Hills subdivision, which is a very large subdivision with a major, major entrance on East Pages Lane.

So the address is kind of deceiving because LYNEVE is a street in the subdivision.

There was a requirement by the Planning Commission that there be an easement granted for maybe some day in the great by and by, but there are no plans for connecting Lyneve to Stonestreet Road. There is a sidewalk access to that subdivision, and this is a proposal for two single one-story retail and medical office buildings that would be built in that long, narrow rectangular tract.

The developer will provide a left-hand turning lane on Stonestreet Road, and it came out of our committee unanimously.

PRESIDENT PRO TEM KING: Councilman Johnson.

COUNCILMAN JOHNSON: I think Councilman Owens has covered it.

I was wondering about this being an entrance to a subdivision, and it really -- I really question that we're taking residential and changing it to commercial.

PRESIDENT PRO TEM KING: Councilman Hawkins.

COUNCILMAN HAWKINS: Yes, sir.

For Councilman Johnson and the others' sake, Lyneve and Timothy Hills was established long ago.

When they came through with the Gene Snyder freeway, they extended Stonestreet Road on past the Southwest Hospital and on down to Dixie Highway.

So at the time this property was attached to the subdivision.

It is now abutting commercial area.

It is strictly a commercial area, could not be used for residential.

It's -- it's catty-corner, almost directly across the street from Southwest Hospital.

We had 170-some-odd residents come out from Timothy Hills to look at the plan, and I think we have alleviated all their concerns.
I'm very proud of my council staff who took the time to work with the residents, and I'm told we've received a lot of phone calls of praise, and they've done a very good job for me in protecting my constituents, and so I'm asking for your-all's approval on this.
Thank you, Mr. President.

PRESIDENT PRO TEM KING: Thank you.
Is there any further discussion?
Hearing none, this is an ordinance calling for a roll call vote.
Madam Clerk, please open the voting.

VOTING RESULT: ITEM 47

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT PRO-TEM KING: YES
KEVIN KRAMER: PRESENT
PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: ABSENT NOT VOTING
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 24 yes votes and two not voting, Councilman Blackwell and Councilwoman Flood.

PRESIDENT PRO-TEM KING: **The ordinance passes.**
Madam clerk a reading of Item 48.

48. O-47-03-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R-7 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 3028 HIKES LANE, CONTAINING 1.36 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-62-06VW).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to approve made by Julie Raque Adams and seconded by Mary C. Woolridge

PRESIDENT PRO-TEM KING: The item's been properly moved and seconded, and is there any discussion? Councilman Owen.

COUNCILMAN OWEN: Yes. Thank you very much, Mr. President.

This is a proposal to add to the St. Michael's Eastern Orthodox Church campus. this proposal creates two two-story buildings that would have 38 apartments. St. Barnabas Catholic Church is next door. The most interesting dynamics in this case, as it was reviewed by the Planning Commission, include a proposal for stabilization of the bank of the south fork of Beargrass Creek a real effort to maintain the integrity of the 1890s George Hikes home, which has experienced some alteration over time; and the preservation of the Hikes family cemetery, which is along Hikes Lane itself. In addition to that, there is an interesting provision, at least, for the possible pedestrian connection to Klondike Park, which would be to the -- to the east. So these are the elements that came through in the review of this by the Planning Commission. It came out of our committee with a unanimous recommendation, and it's in Mr. Kramer's district, and he is not with us. Oh, he is. Mr. Blackwell's not here're. Kramer is here.

PRESIDENT PRO-TEM KING: Unless he's in astro projection, he is sitting right here. Councilman Kramer.

COUNCILMAN OWEN: I'm sorry.

COUNCILMAN KRAMER: Uncharacteristically quiet, perhaps.

Thank you, Councilman Owen.

This is, in fact, in my district.

St. Michael's, that has been mentioned, St. Michael's Greek Orthodox Church, has been very involved in this project. I'm actually real proud of the work they have done and the work that's been done at the Planning Commission, so we are seeking a yes vote, please.

PRESIDENT PRO TEM KING: Very well. Is there any other discussion?

Hearing none, this is an ordinance calling for a roll call vote.

Madam Clerk, please open the voting.

VOTING RESULT: ITEM 48

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT PRO-TEM KING: YES

KEVIN KRAMER: PRESENT

PRESIDENT RICK BLACKWELL: EXCUSED ABSENCE-NOT VOTING

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: ABSENT NOT VOTING
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 24 yes votes and two not voting, Councilman Blackwell and Councilwoman Flood.

PRESIDENT PRO TEM KING: **The ordinance passes.**

NEW BUSINESS:

We now move on to new business, which comprises items 49 to 69.

Madam Clerk, a reading of those items and their assignment to committees.

49. R-47-03-07 A RESOLUTION ENCOURAGING LOUISVILLE METRO CITIZENS TO PARTICIPATE IN THE ADOPT A FLAG PROGRAM TO SEND 10,000 U.S. FLAGS TO DECORATE THE GRAVES OF U.S. VETERANS BURIED IN THE NORMANDY, FRANCE AMERICAN CEMETERY.

Status: On Council Agenda - New Business
Committee: Parks, Libraries & Cultural Activities
Primary Sponsor: Robert Henderson

50. R-48-03-07 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNERS OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE BROWNSBORO ROAD/NEW CHAMBERLAIN LANE PROJECT (PARCEL 28).

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Kelly Downard

51. R-49-03-07 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT IN THE AMOUNT OF \$75,000 FROM THE COMMONWEALTH OF KENTUCKY AGRICULTURAL DEVELOPMENT BOARD.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

52. R-50-03-07 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT ON BEHALF OF THE LOUISVILLE METRO POLICE DEPARTMENT GIFTS TOTALING AN ESTIMATED VALUE OF \$878,000.00.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Barbara Shanklin

53. O-63-03-07 AN ORDINANCE APPROPRIATING A TOTAL OF \$6,000.00 AS FOLLOWS: \$5,000.00 FROM DISTRICT 21 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), AND \$1,000.00 FROM DISTRICT 18 NDF THROUGH THE DEPARTMENT OF FINANCE AND BUDGET TO THE YOUNG MEN'S CHRISTIAN

ASSOCIATION (YMCA) OF GREATER LOUISVILLE, FOR THE YMCA SAFE PLACE SERVICES PROGRAM EXPENSES.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
Dan Johnson
Julie Raque Adams

54. O-64-03-07 (S) AN ORDINANCE REPEALING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) CHAPTER 119 PERTAINING TO FORTUNE TELLERS.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor:
Rick Blackwell
Kelly Downard

55. O-65-03-07 AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION CONTAINED IN ORDINANCE 200, SERIES 2006, AND PERTAINING TO LOUISVILLE METRO PLANNING COMMISSION DOCKET NO. 1-14-05.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

56. O-66-03-07 (S) AN ORDINANCE REENACTING AND AMENDING CHAPTER 158 OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) RELATING TO THE LOUISVILLE/JEFFERSON COUNTY ENVIRONMENTAL TRUST.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor:
Kelly Downard
Rick Blackwell

57. O-67-03-07 REMOVED AT THE REQUEST OF THE SPONSOR.

58. R-51-03-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT - (REED, WEITKAMP, SCHELL AND VICE, PLLC - \$40,000.00).

Status: On Council Agenda - New Business
Committee: Contracts/Appointments
Primary Sponsor: Kenneth C. Fleming

59. R-52-03-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL CONTRACT - (VIVIEN BETANCES KEANE - \$75,000.00).

Status: On Council Agenda - New Business
Committee: Contracts/Appointments
Primary Sponsor: Barbara Shanklin

60. O-68-03-07 AN ORDINANCE TRANSFERRING \$20,000.00 FROM THE CAPITAL INFRASTRUCTURE FUND (CIF) OF DISTRICT 4 TO THE NEIGHBORHOOD

DEVELOPMENT FUND (NDF) OF DISTRICT 4, AND APPROPRIATING \$20,000.00 FROM THE DISTRICT 4 NDF, THROUGH THE DEPARTMENT OF FINANCE AND BUDGET AS FOLLOWS: \$10,000.00 TO HABITAT FOR HUMANITY OF METRO LOUISVILLE, INC. TO INSTALL SIDEWALKS FOR SEVEN NEW HOMES ON FINZER STREET; AND \$10,000.00 TO BATES COMMUNITY DEVELOPMENT CORPORATION FOR A YOUTH CONFERENCE AND COLLEGE TOUR.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: David Tandy

61. O-69-03-07 AN ORDINANCE AMENDING SECTIONS 91.001, 91.036(D), AND APPENDIX A OF ORDINANCE 233, SERIES 2006, RELATING TO ANIMAL WELFARE AND CONTROL.

Status: On Council Agenda - New Business
Committee: Health & Human Services
Primary Sponsor:
Rick Blackwell
Jim King
Additional Sponsor:
Tina Ward-Pugh
Vicki Welch

62. O-70-03-07 (S) AN ORDINANCE AMENDING AND REENACTING SECTIONS 116.01 THROUGH 116.51, 116.98, AND 116.99 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES [LMCO] RELATING TO RATES AND REGULATIONS FOR A CABLE COMMUNICATION SYSTEM.

Status: On Council Agenda - New Business
Committee: Contracts/Appointments
Primary Sponsor:
Kelly Downard
Rick Blackwell

63. O-71-03-07 (S) AN ORDINANCE REENACTING THE PROVISIONS OF CHAPTER 163 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (LMCO) RELATING TO DEVELOPMENT AREAS.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor:
Kelly Downard
Rick Blackwell

64. O-72-03-07 (S) AN ORDINANCE REPEALING SECTIONS 40.01, 40.02, AND 40.03, AND REENACTING SECTION 40.98 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES [LMCO] RELATING TO THE AIR QUALITY TRUST FUND.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor:
Kelly Downard
Rick Blackwell
Kevin Kramer

65. O-73-03-07 (S) AN ORDINANCE AMENDING AND REENACTING CHAPTER 161 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO NEIGHBORHOOD PLANS.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor:
Kelly Downard
Rick Blackwell
Additional Sponsor: Tom Owen

66. O-74-03-07 AN ORDINANCE ACCEPTING THE REPORT OF THE LOUISVILLE LABOR-MANAGEMENT COMMITTEE CONCERNING THE ACCRETION OF POSITIONS INTO AN APPROPRIATE BARGAINING UNIT WITHIN THE FOLLOWING DEPARTMENTS OR DIVISIONS: EMERGENCY MEDICAL SERVICES, INFORMATION TECHNOLOGY, POLICE, EMERGENCY MANAGEMENT, METRO PARKS, AND SOLID WASTE MANAGEMENT.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Rick Blackwell

67. O-75-03-07 AN ORDINANCE REPEALING SECTIONS 32.400-32.404, 32.660-32.663, 32.920, 32.935-32.936, 32.945, AND RE-ENACTING VARIOUS SECTIONS OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) CHAPTER 32, RELATING TO ADMINISTRATIVE BODIES, PURSUANT TO KRS 67C.115 (2) AND (3).

Status: On Council Agenda - New Business
Committee: Government Administration, Rules, Ethics & Audit
Primary Sponsor:
Kelly Downard
Rick Blackwell

68. R-53-03-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006 APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT - (AMERICANA COMMUNITY CENTER, INC. \$13,032.00)

Status: On Council Agenda - New Business
Committee: Contracts/Appointments
Primary Sponsor: Dan Johnson

Addendum:

69. O-76-03-07 AN ORDINANCE APPROPRIATING A TOTAL OF \$9,000 FROM THE NEIGHBORHOOD DEVELOPMENT FUNDS (NDF) OF THE FOLLOWING COUNCIL DISTRICTS: \$1000 EACH FROM DISTRICTS 14, 13, 12, 8, 24, 15, 4 AND 16; \$500 EACH FROM DISTRICTS 3 AND 1 THROUGH THE DEPARTMENT OF FINANCE AND BUDGET, TO AMERICAN CANCER SOCIETY, MID-SOUTH DIVISION, INC., FOR SPONSORSHIP FOR THE "2007 RELAY FOR LIFE."

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
David Tandy

Judy Green
Kelly Downard
Madonna Flood
Mary C. Woolridge
Marianne Butler
Rick Blackwell
Vicki Welch
Tom Owen
Robert Henderson

ADJOURNMENT:

There being no further business, the **Regular March 22, 2007** Louisville Metro Council meeting adjourned on a motion by Councilwoman Mary Woolridge without objection at 7:12 PM.

Kathleen J. Herron Metro Council Clerk

Rick Blackwell, Metro Council President

Jim King, President Pro-Tem

Announcements were made by CM Henderson, CW Ward-Pugh, CM Kramer, CW Woolridge, CM Owen, CM Stuckel and President Pro-Tem King.
